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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,126	04/22/2004	Greg Northrup	NORT-001	7448

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EXAMINER

ELDRED, JOHN W

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/830,126	Applicant(s) NORTHRUP, GREG	
	Examiner J. Woodrow Eldred	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7-17 and 19-21 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 11-17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 7-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claim 20 is rejected under 35 U.S.C. 102(a) as being clearly anticipated by Ehrenreich et al (2003/0076015).

See especially paragraph 36 and Figure 4. Elements 160 and 162 correspond to the two support elements, shelves 164 correspond to the plurality of rigid rest members, and there is clearly illustrated an extendable, pivoting, arm that is attached through a support structure (30, 24) to a fixed structure. In the preamble, a “firearm support system” is merely a statement of intended use and the shelves are clearly capable of supporting a firearm. In regard to the “consisting” limitation of claim 19,

3. Claims 2-4, 11, 12, 14-16, and 21 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Langford (6,694,661).

See especially Figures 1, 2, and 8. Note that Figure 8 shows a plurality of “rest members”, element 96 and the lower forked portion of 98. Note that there is a fixed length 78 of the arm above the rests that read over the claimed support element and that the support leg 68 “secures” the support element 78 to the extendable arm 48.

Alternatively, elements 48 and 68 reads over “an extendable arm” and 78 is directly attached to it.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langford (6,694,661) in view of Devall (5,723,808).

Langford discloses a firearm support system comprising a telescopic extendable arm 48, a fixed length support element 78 attached to an end of the extendable arm, rest members 96 and 98 connected to the support element, and a pivoting support attachment member 200 that accepts a portion of the extendable arm and is attached to a fixed structure (i.e. a tree). Langford fails to disclose that the extendable arm could comprise pivoting arm segments. Devall teaches that it is known to have pivoting arm segments form the extendable arm of a tree mounted firearm support. See especially Figures 1A and 3A and column 4, lines 13-30 with elements 47 and 58. Motivation to combine is the mere substitution of known extendable arms, with the advantages of increased positioning function available with the plural pivoting elements. To employ the teachings of Devall on the firearm support system of Langford and have pivoting arm segments is considered to have been obvious to one having ordinary skill in the art.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langford (6,694,661) in view of Peterson (6,637,708).

Langford discloses a firearm support system placed above a tree stand comprising a telescopic extendable arm 48, a fixed length support element 78 attached to an end of the extendable arm, rest members 96 and 98 connected to the support element, and a pivoting support attachment member 200 that accepts a portion of the extendable arm and is attached to a fixed structure (i.e. a tree). Langford fails to disclose the fixed structure to which the support attachment member is attached as being a tree stand. Peterson teaches that it is known to attach a firearm support system directly to a tree stand. See especially Figure 2 and elements 16, 32, and 116 being attached to element 20. Motivation to combine is the mere substitution of known attachment points for a firearm support system with the added advantages of having one combined tree hunting system instead of two and the easier mounting of the support system to the stand upon

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which the hunter is standing, instead of having to mount it above his head on the tree. To employ the teachings of Langford on the firearm support system of Eppard et al and have the support attachment member attached to a tree stand is considered to have been obvious to one having ordinary skill in the art.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langford (6,694,661) in view of Potts et al (6,425,697).

Langford discloses a firearm support system comprising a telescopic extendable arm 48, a fixed length support element 78 attached to an end of the extendable arm, rest members 96 and 98 connected to the support element, and a pivoting support attachment member 200 that accepts a portion of the extendable arm and is attached to a fixed structure (i.e. a tree). Langford fails to disclose the extendable arm could comprise a rounded portion with threads to engage the support structure. Potts et al teach that it is known to employ threads on the end of a gun rest arm to secure the arm to a support element. See element 16a. Motivation to combine is the mere substitution of known arm attaching means with a type that is inserting within the support means and then secured by the very common means of threads. To employ the teachings of Potts et al on the firearm support system of Langford and have threaded arm support means is considered to have been obvious to one having ordinary skill in the art.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrenreich et al (2003/0076015).

Ehrenreich et al discloses a support system with all claimed elements. See especially paragraph 36 and Figure 4. Elements 160 and 162 correspond to the two support elements, shelves 164 correspond to the plurality of rigid rest members, and there is clearly illustrated an extendable, pivoting, arm that is attached through a support structure (30, 24) to a fixed structure. In the preamble, a “firearm support system” is merely a statement of intended use and the shelves are clearly capable of supporting a firearm. In regard to the “consisting” limitation of claim 19, it would be obvious to one having ordinary skill in the art to eliminate all other elements and their attendant functions and still retain an operating support system with all claimed elements. Motivation to modify

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the support of Ehrenreich et al would be to produce a lighter and cheaper structure which would still perform the useful function of supporting objects.

9. Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodrow Eldred whose telephone number is 571-272-6901. The examiner can normally be reached on Monday to Thursday, from 8:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J. Woodrow Eldred
Primary Examiner
Art Unit 3644

JWE